

REMARKS

Summary of the Office Action

The Office Action acknowledges the claim for priority based on JP 2002 097429, but notes that a certified copy of the priority document has not been filed as required by 35 U.S.C. § 119(b).

Claims 47 – 49, 67 – 69, and 87 – 89 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite.

Claims 47 – 49, 67 – 69, 87, 88, and 90 – 92 stand rejected under 35 U.S.C. § 103(a) as allegedly anticipated by U.S. Pre-Grant Publication No. 2002/0169971 by Asano *et al.* (“Asano”) in view of U.S. Patent No. 6,873,975 to Hatakeyama *et al.* (“Hatakeyama”).

Claims 89 and 93 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Asano in view of Hatakeyama further in view of U.S. Pre-Grant Publication No. 2005/0004875 by Kontio (“Kontio”).

Summary of the Response to the Office Action

Applicants previously canceled claims 1 – 46, 50 – 66, and 70 – 86 without prejudice or disclaimer, and presently amend claims 47, 67, 87, 88, and 90 to define the claimed subject matter further.

Support for these amendments is found at least paragraph [0075] of the published application (corresponding to the paragraph beginning on line 2, page 17 of the originally filed application), and paragraphs [0078] and [0079] of the published application (corresponding to the paragraphs beginning on line 29, page 17 and line 2, page 18 respectively of the originally filed

application). Thus, Applicants respectfully submit that the above amendments introduce no new matter within the meaning of 35 U.S.C. §132.

Applicants request reconsideration and timely withdrawal of the pending rejections for at least the reasons discussed below.

The Perfection of the Claim for Priority

The Office Action acknowledges the claim for priority based on JP 2002 097429, but notes that a certified copy of the priority document has not been filed as required by 35 U.S.C. § 119(b). Applicants thank the Examiner for noting this deficiency, and will submit a certified copy of the Japanese priority document prior to the application proceeding to issue.

The Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 47 – 49, 67 – 69, and 87 – 89 stand rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. The Office Action alleges at pages 3 and 4 that the specification fails to define what type of encoded data would be considered “normally decodable” and what decoding process is considered “normally decoding.” In the interest of advancing prosecution, but without conceding the propriety of the rejection, Applicants amend independent claims 47, 67, 87, and 90. Applicants amend these claims by deleting “normally decodable” and instead reciting identification data that “has a smaller data amount than the apparatus identifier” and/or “has a smaller data amount than the apparatus identifier.” Applicants also amend claim 88 in accordance with the comments of the Office Action.

Accordingly, Applicants submit that amended claims 47 – 49, 67 – 69, and 87 – 89 comply with 35 U.S.C. § 112, second paragraph. Applicants respectfully submit that these amendments do

not narrow the intended scope of the claims, and therefore Applicants do not relinquish any subject matter by these amendments. For at least these reasons, Applicants request that the rejections of claims 47 – 49, 67 – 69, and 87 – 89 under 35 U.S.C. § 112, second paragraph, be withdrawn.

The Rejections under 35 U.S.C. § 103

Claims 47 – 49, 67 – 69, 87, 88, and 90 – 92 stand rejected under 35 U.S.C. § 103(a) as allegedly anticipated by Asano in view of Hatakeyama. Claims 89 and 93 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Asano in view of Hatakeyama further in view of Kontio. In response, Applicants have amended independent claims 47, 67, 87, and 90. Applicants respectfully submit that, for at least the following reasons, the combined references do not disclose or suggest all of the features of the claims as amended, nor would a person of ordinary skill in the relevant field been prompted to combine the cited prior art in the manner claimed.

To establish an obviousness rejection under 35 U.S.C. § 103(a), four factual inquiries must be examined. The four factual inquiries include (a) determining the scope and contents of the prior art; (b) ascertaining the differences between the prior art and the claims in issue; (c) resolving the level of ordinary skill in the pertinent art; and (d) evaluating evidence of secondary consideration.

Graham v. John Deere, 383 U.S. 1, 17-18 (1966). In view of these four factors, the analysis supporting a rejection under 35 U.S.C. 103(a) should be made explicit, and should “identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. *KSR Int'l. Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1741 (2007). Furthermore, even if the prior art may be combined, there must be a reasonable expectation of success, and the reference or references, when combined, must disclose or suggest

all of the claim limitations. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Here, Applicants have amended independent claims 47, 67, 87, and 90 to recite in part:

- “encrypted identification data [that] is used for selecting the encrypted content available to a specific content processing apparatus” (claims 47, 87, and 90); and
- “encrypted first identification data [that] is used for selecting the encrypted content available to a specific content processing apparatus” (claim 67).

The claimed subject matter includes features such as using the “encrypted identification data” acquired as above for selecting “encrypted content” available to a specific content processing apparatus. As recited in the amended claims, a content processing apparatus stores content in a storage medium, uses the content, and encrypts the “content” and “identification data” using an “apparatus identifier” unique to the content processing apparatus and different from the “content” and “identification data.” By decoding “encrypted identification data” which has a much smaller data amount than “encrypted content” between the “encrypted content” and the “encrypted identification data,” it is possible to judge whether each “encrypted content” is data available to a content processing apparatus before decoding the “encrypted content,” and to select available “encrypted content.” The content processing apparatus can therefore avoid unnecessary processing of decoding unavailable encrypted content.

Even if the cited references were combined with a reasonable expectation of success, the combined references do not disclose or suggest all of the claim features of amended claims 47, 67, 87, and 90. Asano, for example, fails at least to disclose: (1) encrypting “identification data” which has a smaller data amount than an “apparatus identifier” using an “apparatus identifier” in an encrypting section; (2) encrypting both content and the “identification data” using the apparatus

identifier; and (3) using “encrypted identification data” for selecting “encrypted content” available to a specific content processing apparatus.

Hatakeyama shares the shortcomings of Asano. Hatakeyama, for example, fails at least to disclose or suggest encrypting “content” and “identification data” which is different from an “apparatus identifier” using an “apparatus identifier,” and using “encrypted identification data” for selecting “encrypted content” available to a specific content processing apparatus. Instead, Hatakeyama, teaches decoding “identification data (Kc)” using an “apparatus identifier (physical element ID (Kp))” and decoding content using the decoded “identification data (Kc)” (step S704 in Hatakeyama). Thus, Hatakeyama discloses using two different keys – one key for “identification data (Kc)” and another key as an “apparatus identifier (physical element ID (Kp))” for encrypting “identification data (Kc)” and using “identification data (Kc)” as a key for encrypting content. Hatakeyama also fails to disclose using “encrypted identification data” for selecting “encrypted content” available to a specific content processing apparatus.

Kontio, the remaining reference cited in the Office Action, fails to make up for the deficiencies of either Asano or Hatakeyama. Kontio is cited by the Office Action as allegedly teaching the additional features of claims 89 and 93, but lacks any teaching or suggestion of either “encrypted identification data [that] is used for selecting the encrypted content available to a specific content processing apparatus” or “encrypted first identification data [that] is used for selecting the encrypted content available to a specific content processing apparatus.”

Accordingly, the cited prior art, alone or combined, fails to teach or suggest each and every feature of amended independent claims 47, 67, 87, and 90. Thus, even if one of ordinary skill in

the art were to combine Asano, Hatakeyama, and Kontio, a person of ordinary skill in the relevant field would not have been prompted to combine the cited prior art in the manner claimed.

Since none of the other prior art of record, alone or in any combination, discloses or suggests all the features of the claimed subject matter, Applicants respectfully submit that amended independent claims 47, 67, 87, and 90 are allowable. Applicants respectfully submit that dependent claims 48, 48, 68, 69, 88, 89, and 91 – 93 are also allowable at least because they depend from allowable claims 47, 67, 87, and 90. Therefore, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. §103(a).

#

CONCLUSION

Applicants believe that a full and complete response has been made to the pending Office Action, and respectfully submit that all of the stated grounds for rejection have been overcome or rendered moot. Accordingly, Applicants respectfully submits that all pending claims are allowable and that the application is in condition for allowance.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative at the number below to expedite prosecution.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,
THE NATH LAW GROUP

July 27, 2009

THE NATH LAW GROUP
112 South West Street
Alexandria, VA 22314-2891
Tel: 703-548-6284
Fax: 703-683-8396



Jerald L. Meyer
Registration No. 41,194
Derek Richmond
Registration No. 45,771
Robert T. Burns
Registration No. 60,545
Customer No. 20529